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RAY JUDGE SAYS TRUTH IS HIDDEN

Doubts If Trial Would Have Produced the Answers

MEMPHIS, March 16 (AP)—

Judge W. Preston Battle said today he believed the full truth still was not known about James Earl Ray and the assassination of the Rev. Dr. Martin Luther King.

The judge, in whose court Ray pleaded guilty to the slaying of Dr. King and where the case would have been heard had it gone to trial, said he, like many other Americans, remained puzzled about several unanswered questions.

But he said in an interview that he was convinced that a



Judge W. Preston Battle

trial would not have produced the answers.

"Like others, I would truly like to know how Ray actually found the spot from which to fire," he said. "How did Ray know where the Rev. King would be? How did he determine the type of weapon to be used? What are the details of the actual purchase and selection of the weapon? Was he alone in surveillance of the Lorraine Motel?"

"Most puzzling of all is his escape from Memphis. To me, it seems miraculous that he was able to flee to Atlanta despite the all-points bulletins without his white Mustang being spotted on a highway."

Dr. King was shot to death April 4 as he stood on the balcony of the Lorraine Motel in Memphis. The killer was reported to have fled in a white Mustang.

The judge said there was much speculation about possible answers, but nothing "based on fact and evidence." "I'd like the full proof," Judge Battle said. "And as I said on March 10 when the agreement was reached to permit Ray to change his plea to guilty, there is no end to our interest or to the law's responsibility and determination. If any evidence would arise that would point to a co-conspirator, that person will be pursued and treated as though he also had his finger on the trigger."

"There has been much talk of a conspiracy, but no one's saying so has yet produced a single shred of evidence or named an associate or conspirator."

Allowed to Change Plea

With these questions puzzling him, why did Judge Battle concur in the agreement between the defense and the prosecution to allow Ray to change his plea and take a 99-year sentence? Ray could have been sentenced to death if he had been found guilty.

"I was convinced then and am convinced now that the trial would have muddled our understanding of the substantial evidence which established Ray as the killer," Judge Battle said.

It is an error to assume that the prosecution would have had a chance to cross-examine Ray about his finances, or how he escaped from the Missouri State Penitentiary, or about persons who gave him any aid before or after the slaying of Dr. King.

That assumes Ray would have taken the stand. "I doubt very seriously that defense counsel would have risked placing Ray in such a position. In fact, as I understand it, this all along has been one of the main problems between Ray and various men who have acted for the defense. They counseled against it, and he kept wanting to take the risk."

"Suppose he had taken the stand, the public should understand that this would not guarantee that this would have cast light upon these puzzling questions. In an adversary proceeding, each side tries to make the best case, and so some things might be exaggerated, some minimized or obscured."

The judge could have refused to accept the joint defense-prosecution agreement.

"It was entirely in my power to do so," Judge Battle said. "But my conscience told me that it better served the ends of justice to accept the agreement."

Judge Battle said he thought that some of the unanswered questions ultimately would be answered by Ray. He said he thought that Ray had enjoyed the notoriety and would periodically explain various details of the crime.

The judge was taken aback by some of the public response to the proceedings of March 10 at which the plea-and-punishment agreement was made official.